

Appl. No 10/018,131
Amendment dated July 6, 2004
Reply to Office Action dated March 10, 2004

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IN THE U.S. PATENT and TRADEMARK OFFICE

OFFICIAL

Appl. No: 10/018,131
Applicant: Heinrich Wehberg
Filed: October 22, 2001
Title: Apparatus for Recording a Thermo-optical Image of the Female Breast

TC/A.U. 3737
Examiner: Ruby Jain

Docket No: 18326.0000

**Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450**

AMENDMENT

Sir:

In response to the Office Action of March 10, 2004, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the Listing of Claims that begin on page 2 of this paper.

Arguments and Remarks begin on page 15 of this paper.

A copy of the previously filed, marked-up substitute specification, as required by the Examiner, as well as a copy of the confirmation postcard that accompanied the previous submission of that substitute specification, are attached for the Examiner's review.

Practitioner's Docket No. 18326.0000 **PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED
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OFFICIAL

In re application of: Heinrich Wehberg

Application No.: 10/018,131

Group No: 3737

Filed: October 22, 2001

Examiner: Ruby Jain

For: Apparatus for Recording a Thermo-optical Image of the
Female Breast

Honorable Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is
- ☒ a small entity. A statement:
- ☐ Is attached.
- ☐ was already filed.
- ☐ other than a small entity.

CERTIFICATE OF MAILING/TRANSMISSION 37 C.F.R. §1.8(a))**MAILING**

- ☐ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, Box 1450 Alexandria, VA 22313-1450

FACSIMILE

- ☒ transmitted by facsimile to the Patent and Trademark Office.

Date July 6, 2004

Patty Eckman
Signature

Patty Eckman
(type or print name of person certifying)

(Amendment Transmittal [8-19]-page 1 of 4)

EXTENSION OF TERM

NOTE: Extension of Time in Patent Cases (Supplement Amendments) - if a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. § 1.645 for extensions of time in interference proceedings, and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. § 1.136.
(fees: 37 C.F.R. § 1.17 (a)(1)-(4) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input checked="" type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00
<input type="checkbox"/> five months	\$ 2,010.00	\$ 1,005.00

Fee: \$ 55.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured. The fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

(Amendment Transmittal [9-19]-page 2 of 4)

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

(Col.1)		(Col.2)	(Col.3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE	OR	ADDIT. FEE
TOTAL 32	MINUS	32	= 0	\$9	\$	x\$ =	\$
INDEP. 5	MINUS	5	= 0	\$43	\$	x\$ =	\$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					\$		\$290
					TOTAL ADDIT.FEE \$	OR	TOTAL ADDIT. FEE \$ 0

- * If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: "After final rejection or action (§ 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 C.F.R. § 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

- (c) ☒ No additional fee for claims is required.

OR

- (d) ☐ Total additional fee for claims required \$ _____.

FEE PAYMENT

5. ☐ Attached is a check in the sum of \$ _____.
☒ Charge Account No. 13-0760 the sum
 of \$ 55.00.

A duplicate of this transmittal is attached.

(Amendment Transmittal [9-19]-page 3 of 4)

FEE DEFICIENCY

NOTE: *If there is a deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. ☐ If any additional extension and/or fee is required, charge Account No. _____.

AND/OR

☒ If any additional fee for claims is required, charge Account No. 13-0760.


SIGNATURE OF PRACTITIONER

Reg. No.: 45,515

Jon L. Woodard, Esq.
(type or print name of practitioner)

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(Amendment Transmittal [9-19]-page 4 of 4)



MACDONALD ILLIG JONES & BRITTON LLP
ATTORNEYS AT LAW

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DIRECT DIAL: 870-7664

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FAX COVER SHEET

Date: July 6, 2004

We are transmitting 27 pages to you, including this page.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL Patty at 870-7724 ASAP.

DELIVER TO: Ruby Jain - Art Unit 3737

FAX NUMBER: 703-872-9306

DEPARTMENT: U. S. Patent and Trademark Office

RE: Application No. 10/018,131

FROM: Jon L. Woodard

CLIENT/MATTER NO: 18326.0000

COMMENTS:

**PLEASE FAX CONFIRMATION OF
RECEIPT OF THIS RESPONSE TO
OFFICE ACTION.**

STATEMENT OF CONFIDENTIALITY

The documents included with this facsimile transmittal sheet contain information from the law firm of MacDonald, Illig, Jones & Britton LLP which is confidential and/or privileged and/or exempt from disclosure under applicable laws. This information is intended for the use of the addressee named above. If you are not the addressee, note that any disclosure, copying, distribution, or other use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone (collect) immediately so we can arrange for the retrieval of the original documents at no cost to you.

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